

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

**L.R. NO.:** 3145-14  
**BILL NO.:** HCS for SS #2 for SCS for SBs 757 & 602  
**SUBJECT:** Revises Various Child Protection Laws  
**TYPE:** Original  
**DATE:** May 3, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$379,425)	Exceeds (\$427,028)	Exceeds (\$428,985)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>Exceeds (\$379,425)</b>	<b>Exceeds (\$427,028)</b>	<b>Exceeds (\$428,985)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>(Unknown Exceeding \$500,000)</b>	<b>(Unknown Exceeding \$500,000)</b>	<b>(Unknown Exceeding \$500,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 11 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of Prosecution Services, Department of Health, and Department of Public Safety - Missouri Highway Patrol** have assumed for similar proposals from this session that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Courts Administrator (OSCA)** stated there may be some increase in the number of cases filed, but the OSCA would not anticipate a significant impact on the workload of the judiciary.

Officials from the **Office of State Public Defender (SPD)** have responded to similar proposals from this session and stated that in FY 99, the SPD provided representation in 507 cases of endangering the welfare of a child for indigent clients. If just 20 % of these cases could be filed as child assault cases, then approximately 100 cases would move from a D felony to an A or B felony. As the severity of a case escalates, the amount of attorney time required to provide representation also escalates. The SPD assumes they will need one-half of an FTE for an Assistant Public Defender (\$33,360) and one-quarter of an FTE for a Paralegal (\$23,112). The new FTE would require the necessary expense and equipment items as well.

**Oversight** assumes that the SPD could hire one additional Assistant Public Defender to handle the increased workload resulting from enactment of this proposal. Oversight has removed the rental costs from the fiscal estimate provided by the Office of State Public Defender.

Officials from the **Department of Social Services - Division of Legal Services (DLS)** assume this proposal requires the local child fatality review panel to review all deaths of children that meet guidelines set by the Department of Social Services. Local child fatality review panels currently have guidelines as to which deaths to review and are trained to use the guidelines. Additionally, the panel has discretion to review any child death reported to it by the medical examiner or coroner. Some local child fatality review panels currently review all deaths in their county.

The DLS stated the proposal differentiates, in child fatality cases, whether a medical examiner/coroner or the child's personal physician shall notify the Division of Family Services within 24 hours. The DFS is currently taking information on child fatalities. The proposal modifies the time frame as to when the Division of Family Services is contacted. The proposal also add reports of child pornography to be investigated, along with other reports alleging criminal violations on a child. The Division of Family Services already investigates reports of child pornography.

ASSUMPTION (continued)

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The proposal modifies expungement criteria and time frame in reports where Division of Family Services finds insufficient evidence. The Division of Family Services is to maintain reports concluded with insufficient evidence for 10 years from the date of the report or date of last report if there were subsequent reports. The electronic storage of data will be addressed by the Department of Social Services - Division of Data Processing.

The proposal includes child physical abuse, neglect, exploitation and fatalities along with child sexual abuse, within the purview of the State Technical Assistance Team (STAT). The proposal requires the STAT investigators to have proper training for peace officers. STAT investigators currently meet this training requirement and receive continuing education.

The DLS stated there is no programmatic or fiscal impact to the DLS contained in the proposal. Current resources will continued to be utilized to meet the statutory requirements.

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated there is no programmatic or fiscal impact to the DFS contained in this proposal. Current resources will continue to be utilized to meet the statutory requirements.

Officials from the **Department of Social Services - Division of Data Processing (DDP)** the DDP stated the child abuse system currently uses 2,300 cylinders for record retention. The DDP estimates the provisions of this legislation would require an additional 9,200 cylinders of disk storage (8 gigabytes) for 10 year retention. Costs were estimated at \$3,445, \$4,258, and \$4,386 for FY 01, FY 02, and FY 03, respectively for the additional computer storage space. The costs were charged to the General Revenue Fund.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this proposal will not fiscally affect their agency. The DESE went on to state that local multi-disciplinary teams conducting investigations are now to include a liaison of the local public school district. It is assumed that most school districts will be able to accommodate this provision with existing staff.

However, the proposal will affect the local school districts by an unknown amount expected to exceed \$100,000 annually for Internet filtering software. The DESE estimates that there are 140,286 computers around Missouri school districts with Internet connectivity. Forty-two (42%) percent of districts report using filtering software on 85% of their computers. The distribution of these computers across the districts is not known. Filtering software ranges in cost from \$0 to \$25. Additionally, software prices and capabilities vary according to the target age level.

ASSUMPTION (continued)

Given this information, DESE believes the cost of this proposal would be significant, and in

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excess of \$100,000. The DESE does not believe there is enough information available to construct a specific cost estimate. **Oversight** will reflect unknown costs exceeding \$100,000 annually for local school district funds.

**Oversight** will also reflect unknown costs (not expected to exceed \$100,000 annually) to the local library districts if they should choose to buy Internet filtering software. The proposal gives the local public libraries the option to buy the software or to set policy regarding Internet access. Oversight will also include the possibility of costs to local city and county governments, which operate public libraries, should the libraries choose to install Internet filtering software.

Officials from the **Department of Corrections (DOC)** have responded to similar proposals from this session that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (at least \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (at least \$3.00 per offender, per day).

Due to the wide variance of newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown.

The DOC anticipates that new beds might have to be constructed to accommodate the number of offenders receiving longer sentences due to this proposal. At this time, the DOC is unable to determine the number of people that would be convicted under the provisions of this proposal to estimate the fiscal impact for additional capital improvements.

Estimated construction cost for one new maximum security inmate bed is \$48,800.

**Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

ASSUMPTION (continued)

**Oversight** notes the proposal requires the local Child Fatality Review Panels to investigate all deaths, which meet the DOSS guidelines for review, of children under the age of 18. The Department of Health - Bureau of Vital Statistics reports that during 1998, there were 1,035

deaths of persons under the age of 18 in the state. The breakdown of deaths of persons under the age of 18 is as follows:

0 to 1 years old - 573 deaths  
1 to 4 years old - 112  
5 to 9 years old - 77  
10 to 14 years old - 101  
15 to 17 years old - 172  
Total deaths 1,035

Oversight cannot predict the number of deaths of persons under the age of 18 the local child fatality review teams will choose to investigate. However, it would be reasonable to assume some deaths of children will now be reviewed that would not have been reviewed prior to enactment of this proposal. The requirements of this proposal should not cause the local officials involved in the child fatality review boards to hire additional personnel, however, miscellaneous costs could increase. These local government costs are unknown, but not expected to exceed \$100,000 annually.

#### Jackson County Child Abuse and Neglect Response Team

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated there is no programmatic or fiscal impact to the DFS contained in this proposal. Current resources will continue to be utilized to meet the statutory requirements.

**Oversight** assumes significant costs will be incurred at the local level to conduct hotline evaluations, investigations, and assessment within Jackson County; report quarterly to the director of the division of family services; conduct an annual review of the community standards, procedures and protocols established by the response team; and produce an annual report. These unknown costs will likely exceed \$100,000; however, the statutory authority for the response team will cease on December 31, 2005.

#### Public School and Library Internet Access

Officials from the **Office of State Courts Administrator** assume the proposal would result in no fiscal impact to the agency.

#### ASSUMPTION (continued)

Officials from the **Missouri River Regional Library** assume they would need one FTE Network Assistant (\$46,000) and one FTE Library Assistant (\$21,804). They would need equipment costing approximately \$30,000 annually. They also estimate needing web site registrations, database licensing and filtering software costing approximately \$125,000 annually.

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Officials from the **Daniel Boone Regional Library** assume the proposal would result in personnel costs of approximately \$150,000 annually; capital improvements of approximately \$72,000 in FY 2001; and computer software and supplies of \$43,000 in FY 2001 and approximately \$9,000 annually in subsequent fiscal years.

Officials from the **Secretary of State's Office (SOS)** state Section 181.020(4), RSMo, directs the Missouri State Library to "furnish information and counsel as to the best means of establishing and maintaining libraries, selection of materials, cataloging, and other details of library management." To that end, the State Library employs staff within the Library Development Division to carry out this function. Library Development staff provide assistance through one on one consultation and training sessions. It is estimated that questions from public library directors, trustees, and those maintaining the software on library computers would require the services of the equivalent of .5 FTE. Personnel costs for .5 FTE (\$18,240) Library Consultant are based on budget rate for the position. Salary increases are projected at 4%. Expense and Equipment calculations are \$3,352 per each new .5 FTE. The **Oversight Division** used salaries increases of 2.5% in the fiscal impact.

SOS officials state it would not be possible to project a total cost of public libraries to install filtering software. Costs for filtering software vary widely by vendor and type, number of computer stations, and whether the software is installed on each "client" computer workstation or on a central server. The web pages of a sampling of filtering software vendors indicate approximate annual costs in the following ranges: \$150 for a site with 5 computers; \$500 to \$800 for 25 computers; and up to \$2,500 or more for a site with 125 computers. Several large library systems with many branches would have 100 or more computer stations requiring filtering software. Libraries choosing to install the filtering software on a server could also need to purchase suitable equipment for the installation. SOS officials also assume public libraries could have additional staff costs due to the legislation. Staff time required for installation and maintenance of filtering software could be significant. If all terminals have filtering software, requests from adults for access to unfiltered sites might require assistance from library staff. Requests to have sites unblocked would be processed individually, and could require individual adjustments of the software. Library staff would also have to monitor the use of the computer workstation, to ensure the filtering software is active when the workstation is used by minors. Library technical services staff would also need to spend considerable amounts of time, at least initially, checking to see that the filtering software did not block access to sites the library did not wish to block.

#### ASSUMPTION (continued)

The proposal would require the SOS to establish rules and regulations for enforcement. The estimated cost of a page in the Missouri Register is \$22.50. The estimated cost of a page in the Code of State Regulations is \$26.50. The actual costs could be more or less than the number given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal would result in no direct fiscal impact to DESE. At the local school district level, DESE assumes the following:

- 1) 140,286 computers in Missouri school districts with internet connectivity.
- 2) 42% of districts report using filtering software on 85% of their computers.
- 3) The distribution of these computers across districts is not known.
- 4) Filtering software ranges in cost from \$0 to \$25. Additionally, software prices and capabilities vary according to the target age level.

Given this information, DESE believes the cost of this legislation would be significant, i.e., in excess of \$100,000; however, DESE does not feel there is enough information available to construct a specific estimate.

Jefferson County Child Assessment Center

Officials from the **Department of Social Services - Division of Family Services - Children's Services Section** stated this proposal would have a fiscal impact to the Department in that an additional \$250,000 would be required to bring the proposed Child Assessment Center (CAC) to the level of the CAC's currently receiving funding through the Department. The costs were charged to the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Office of State Public Defender</u>			
Personal Service (1 FTE)	(\$27,800)	(\$34,194)	(\$35,049)
Fringe Benefits	(\$8,549)	(\$10,515)	(\$10,778)
Expense and Equipment	(\$7,861)	(\$3,316)	(\$3,416)
Total <u>Costs</u> - State Public Defender	(\$44,210)	(\$48,025)	(\$49,243)
<u>Costs - Department of Social Services - Division of Data Processing</u>			
Disk Storage	(\$3,445)	(\$4,258)	(\$4,386)
<u>Costs - Department of Corrections</u>			
Increased Incarceration or Probation	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
<u>Public School and Library Internet Access</u>			
<u>Cost-Secretary of State's Office</u>			
Personal Service	(\$15,200)	(\$18,696)	\$19,163

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
Fringe Benefits	(\$4,674)	(\$5,749)	(\$5,893)
Expense and Equipment	<u>(\$3,646)</u>	<u>(\$300)</u>	<u>(\$300)</u>
Total <u>Cost-SOS</u>	(\$23,520)	(\$24,745)	(\$25,356)

Jefferson County Child Assessment  
Center

Costs - Department of Social Services -  
Division of Family Services

Increased Assessment Center Costs	<u>(\$208,250)</u>	<u>(\$250,000)</u>	<u>(\$250,000)</u>
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<b>ESTIMATED EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Exceeds (\$379,425)</u></b>	<b><u>Exceeds (\$427,028)</u></b>	<b><u>Exceeds (\$428,985)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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**LOCAL GOVERNMENTS**

Costs- City and County Government  
 Increased Costs for Child Fatality Review  
 Panels and Possible Internet Filtering  
 Software for City or County Owned  
 Libraries

Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Local School Districts  
 Internet Filtering Software

Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Local Library Districts  
 Possible Internet Filtering Software\*

(Unknown)	(Unknown)	(Unknown)
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Public School and Library Internet  
Access

**SCHOOL DISTRICTS**

Cost-School Districts  
 Internet Access Filtering\*\*

(Unknown)	(Unknown)	(Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>PUBLIC LIBRARIES</b>			
<u>Cost-Public Libraries</u>			
Internet Access Filtering**	(Unknown)	(Unknown)	(Unknown)
 <u>Jackson County Child Abuse and Neglect Response Team</u>			
<u>Cost-City and County Government</u>			
Establishment and operation of the Jackson County Child Abuse and Neglect Response Team**	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS</b>	<b>(Unknown Exceeding <u>\$500,000</u>)</b>	<b>(Unknown Exceeding <u>\$500,000</u>)</b>	<b>(Unknown Exceeding <u>\$500,000</u>)</b>

\* These unknown costs not expected to exceed \$100,000 annually.

\*\*Estimated to exceed \$100,000 annually.

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes various changes to the statutes regarding child abuse and neglect, child pornography, Internet access in public and private schools and public libraries.

This legislation is not federally mandated, would not duplicate any other program and may require additional capital improvements or rental space.

Public School and Library Internet Access

The proposal would require public schools and public libraries which provide a public access computer to equip the computers with software that seeks to prevent minors from gaining access

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to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material harmful to minors.

Public libraries would be required to develop and implement by January 1, 2001, a policy that establishes measures to restrict minors from gaining computer access to material that is harmful to minors.

The Secretary of State would be required to establish rules and regulations for the enforcement of the requirements.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### Jefferson County Child Assessment Center

This proposal adds the Jefferson County Child Assessment Center to the list of child assessment centers eligible to receive funding from the Department of Social Services - Division of Family Services.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### Jackson County Child Abuse and Neglect Response Team

Section 1 of the proposal would create a pilot project to be known as the "Jackson County Child Abuse and Neglect Response Team".

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Office of Prosecution Services  
Department of Social Services  
Office of State Courts Administrator  
Department of Corrections  
Office of State Public Defender  
Department of Public Safety - Missouri Highway Patrol  
Department of Health  
Department of Elementary and Secondary Education  
Office of Secretary of State  
Missouri River Regional Library  
Daniel Boone Regional Library

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A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA  
Director  
May 3, 2000